In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 4148 of 2006

Date of Decision: 5.3.2007

Dharamjit Singh and others.

....Petitioners

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. Ashok Singla, Advocate
for the petitioners.

Mr. Ashok Aggarwal, Addl. A.G., Punjab and
Mr. B.S. Chahal, AAG, Punjab
for the respondents.

...

J.S. Khehar, J. (Oral).

The petitioners were inducted into the service of the Police Department as SPOs. Through the instant writ petition, the petitioners claim absorption as Constables. The case set up by the petitioners is, that there are available vacancies to accommodate them, and despite the availability of vacancies, the respondents are arbitrarily not considering their claim for absorption as Constables.

Interestingly, learned counsel for the petitioners, as well as, the respondents have placed reliance on the decision rendered by this Court in SPO Jarnail Singh Vs. State of Punjab and others (Civil Writ Petition

No.13782 of 2001, decided on 28.11.2002). Relevant portion of the aforesaid judgement is being extracted hereunder:-

> "On behalf of the respondents, it was contended that in the event the State is directed to make appointment of suitable SPOs to the constabulary cadre for all the posts (100% of the posts available for direct recruitment), the interests of the State would suffer serious prejudice. Even the public interest would suffer, as the State would not be able to provide employment to the eligible candidates on the basis of direct recruitment. The State would also suffer as it may not be able to get young and qualified persons with better suitability and acumen for the post of constable at the appropriate time. In order to balance the equity between the interests of the State and the petitioners who have been serving the State, we consider it appropriate to direct the respondents to provide the suitable SPOs at least 50% reservation of the total vacancies/posts available with the respondents for direct recruitment to the constabulary cadre of the Punjab Police.
>
> In view of the above discussion, we dispose of these writ petitions and direct the State to comply with the directions indicated supra as expeditiously as possible. we leave the parties to bear their own costs."

On the basis of the aforesaid observations made by this Court, coupled with the admitted fact, that there are a large number of existing vacancies of Constables, learned counsel for the petitioners states, that it is imperative for the authorities to absorb the petitioners, as the dispute adjudicated upon

in Jarnail Singh's case (supra) only stipulated a quota and not a rota.

As against the aforesaid contention of the learned counsel for the petitioners, it is submitted on behalf of the respondents, that the claim now sought to be made on behalf of the petitioners, was impliedly rejected by the Court, while disposing of Jarnail Singh's case (supra). In this behalf, learned counsel for the respondents has again placed reliance on the observations of this Court, extracted hereinabove.

Having given our thoughtful consideration to the matter, and having perused the observations of this Court in Jarnail Singh's case (supra), we are of the view, that it is not possible for us to accept the absorption of the petitioners en masse in terms of the mandate of the decision rendered in Civil Writ Petition No.13782 of 2001.

Learned counsel for the respondents states, that as and when future appointments are made to the rank of Constables in the Police Department, the directions issued by this Court in Jarnail Singh's case (supra), will be followed, inasmuch as, at least 50% of the appointments made after the decision in Jarnail Singh's case (supra) on 28.11.2002, will be filled up by way of absorption of SPOs, till all the suitable SPOs are eventually absorbed as Constables.

Disposed of accordingly.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

05.03.2007
sk.